

**EXAMINER'S AMENDMENT**

1. The remarks and amendments filed 23 June 2009 have been entered. Claims 1-17, 27, 29, and 37 are pending and under examination

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nathan Cassell on 15 October 2009.

3. The application has been amended as follows:

In the specification:

At p. 1, delete the title and replace with -- Administering Hypocretin to Obese Individuals ---

In the claims:

In claim 1, at line 2, delete "hypocretin 2" and replace with -- hypocretin-2 ---

Cancel claim 3.

In claim 17, at line 3, delete "hypocretin 2" and replace with -- hypocretin-2 ---

Cancel claim 27.

In claim 29, delete "claim 27" and replace with -- claim 17 ---

In claim 37, at line 3, delete "hypocretin 2" and replace with -- hypocretin-2 ---

Art Unit: 1649

4. The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest administering hypocretin peripherally to obese or overweight patients or patients suffering from weight disorders. While peripheral administration of hypocretin was known in the prior art (see for example Sutcliffe WO 98/05352, published 12 February 1998, in particular page 14 lines 11-14, page 52 lines 6 - 10, and page 53 lines 3-8), the prior art does not teach or suggest administering hypocretins to the recited patient populations by these routes. In fact the art of record (for example Stricker-Krongrad) teaches that administering hypocretins within the brain stimulates feeding.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL KOLKER whose telephone number is (571)272-3181. The examiner can normally be reached on Mon - Fri 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on (571) 272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel E. Kolker/

Primary Examiner, Art Unit 1649

October 15, 2009